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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Bezos, et al.)	Group Art Unit: 3625
)	
Appl. No.	:	09/377,322)	
)	
Filed	:	August 19, 1999)	
)	
For	:	PURCHASE NOTIFICATION)	
		SERVICE FOR ASSISTING)	
		USERS IN SELECTING ITEMS)	
		FROM AN ELECTRONIC)	
		CATALOG)	
)	
Examiner	:	Naeem Haq)	

REPLY BRIEF

Board of Patent Appeals and Interferences
Washington, D.C. 20231

Dear Sir:

This Reply Brief is being submitted under 37 C.F.R. § 41.41 in response to the Examiner's Answer initially mailed on December 22, 2004.¹ A Request for an Oral Hearing is being submitted with this Reply Brief.

This Reply Brief is intended to supplement the arguments presented in Appellants' earlier briefs. Because many of the issues raised in the Examiner's Answer have already been fully briefed by Appellants, this Reply Brief only addresses certain new issues that are raised by the Examiner's Answer.

¹ The Office apparently mailed the Examiner's Answer to Appellants' representatives on December 22, 2004, and then again on December 30, 2004.

GROUP 1 (CLAIMS 45 and 49)

- a. **Claim 45, recitation of “maintaining community data indicative of user memberships within specific explicit-membership communities that users explicitly join.”**

In the Examiner’s Answer, the Examiner maintains his position that Information Week discloses “explicit-membership communities that users explicitly join,” as set forth in Claim 45. In connection with this issue, the Examiner appears to take the position that the phrase “explicit-membership communities that users explicitly join” encompasses a group of users specified/ submitted by a user who is seeking recommendations, as disclosed in Information Week. Stated differently, the Examiner’s position is apparently that if User A specifies a group of users that includes User B, User B has “explicitly joined” this group, regardless of whether User B had any involvement in or knowledge of the formation of the group.

Appellants respectfully submit that this interpretation is contrary to the ordinary meaning of the term “join” in the context of the phrase “user memberships within communities that users explicitly join.” The definitions of “join” (transitive senses) included in Meriam Websters Online Dictionary (www.meriam-websters.com) are listed below. The Examiner’s interpretation appears to be based on definition 1a, which is “to put or bring together so as to form a unit.” As suggested by the associated fragment “*join* two blocks of wood with glue,” however, this definition 1a is more applicable to the joining of physical objects than to the act of joining a community. Where, as here, the term “join” is used in the context of users becoming members of communities or organizations, definition 4b (“to associate oneself with”) is more appropriate.

Join (verb, transitive senses):

- 1 a : to put or bring together so as to form a unit <*join* two blocks of wood with glue> b : to connect (as points) by a line c : Adjoin
2 : to put or bring into close association or relationship <*joined* in marriage>
3 : to engage in (battle)
4 a : to come into the company of <*joined* us for lunch> b : to associate oneself with <*joined* the church>

In support of his construction, the Examiner relies, in part, on the present application’s disclosure at page 3, lines 1-6, that users “may also have the option of adding explicit membership

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communities to the system....” Examiner’s Answer at page 11, lines 13-15. This excerpt of the present application does not, however, describe a process by which users join explicit membership communities. Rather, this excerpt describes one mechanism by which a new explicit membership community (that users can join over time) may be added to the disclosed system. Thus, Appellants respectfully submit that the Examiner’s reliance on this excerpt is misplaced.

In summary, because neither Bieganski nor Information Week discloses or suggests “maintaining community data indicative of user memberships within specific explicit-membership communities that users explicitly join,” the rejection of Claim 45 is improper.

b. Claim 45, recitation of “supplementing a catalog page requested by the first user to include a notification that the item has been purchased by the second user”

With respect to the claim language “supplementing a catalog page requested by the first user to include a notification that the item has been purchased by the second user,” as recited in Claim 45, the Examiner takes issue with the following argument in Appellants’ Supplemental Appeal Brief:

To the extent the Examiner may be asserting that it would be obvious to modify the home pages of Information Week to provide the claimed notifications, Appellants respectfully disagree. One skilled in the art would not have been motivated to make such a modification because, among other reasons, Bieganski and Information Week do not address the significant privacy issues that would be raised if users were to be notified of purchases made by other users.

In connection with this argument by Appellants, the Examiner states that Claim 45 “does not explicitly recite any limitation which incorporates privacy issues into the claim language.” Examiner’s Answer at page 12, last paragraph. While this may be true, it does not address the privacy-related issue raised by Appellants, which is set forth in further detail below.

As an initial matter, it is important to note that neither Bieganski nor Information Week includes any disclosure of notifying a first user of a purchase made by a second user—either generally or as specifically set forth in Claim 45. The Examiner acknowledges this deficiency, but contends that this aspect of Claim 45 would nevertheless have been obvious in view of

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Bieganski's use of purchase histories to generate recommendations, coupled with Information Week's disclosure of home pages that indicate "who rated an item and how they rated it."

Appellants respectfully disagree with the Examiner's contention because, among other reasons, neither Bieganski nor Information Week addresses the significant privacy issues that would be raised if users were to be notified of items purchased by other users. (Note that no such privacy issues exist when one user is merely informed of how another user rated another item, as described in Information Week, because a user who rates an item presumably knows that this rating will be displayed to other users.) Thus, even if a person skilled in the art would have considered combining Bieganski and Information Week in such a way that would cause users to be notified of purchases made by other users, the person skilled in the art would have been deterred from doing so.

For the foregoing reasons, Appellants submit that Bieganski and Information Week do not collectively disclose or suggest "supplementing a catalog page requested by the first user to include a notification that the item has been purchased by the second user" in the context of the other limitations of Claim 45, and that the rejection of Claim 45 is therefore improper.

GROUP 2 (CLAIMS 53 AND 54)

In connection with Claim 53, the Examiner asserts in the Answer that it would have been obvious to provide or use a personal address book in the context of the systems disclosed in Bieganski and Information Week. Even if this assertion is accurate (which Appellants do not admit), Appellants respectfully submit that it still would not have been obvious to monitor online browsing of an electronic catalog by a first user "to detect that an item accessed by the first user has been purchased by a second user that is included in a personal address book of the first user, as reflected by the purchase history data and the personal address book data." Appellants respectfully submit that the Examiner has not fully addressed these limitations of Claim 53.

Because Bieganski and Information Week do not individually or collectively suggest this particular use of a personal address book, the rejection of Claim 53 is improper.

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For the foregoing reasons, and the reasons set forth in Appellants' original Appeal Brief and Supplemental Appeal Brief, Appellants submit that the rejections are improper.

Respectfully submitted,

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